

**UNITED STATES DISTRICT COURT**  
**FOR THE SOUTHERN DISTRICT OF NEW YORK**

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<b>RADAR ONLINE LLC &amp;</b>	:	
<b>JAMES ROBERTSON</b>	:	
<i>Plaintiffs,</i>	:	
- v. -	:	
<b>FEDERAL BUREAU OF INVESTIGATION,</b>	:	
<i>Defendant.</i>	:	

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**AMENDED COMPLAINT**

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), to order the production of Federal Bureau of Investigation (“FBI”) records concerning the agency’s investigation and prosecution of financier Jeffrey Edward Epstein (“Epstein”) for sexually trafficking underage women. Defendant FBI has withheld these records despite a properly filed FOIA request.

**PARTIES**

2. Plaintiff Radar Online LLC (“Radar”) is an online investigative news outlet read by millions.
3. Plaintiff James Robertson is a senior editor for Radar Online.
4. The FBI, a component of the Department of Justice, is an agency of the United States with possession and control of the records sought by Plaintiffs.

### **JURISDICTION AND VENUE**

5. This court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).
6. Radar's principal place of business is New York City and therefore venue is appropriate under 5 U.S.C. § 552(a)(4)(B).

### **FACTS**

#### **Background of Request**

7. Jeffrey Epstein is a billionaire financier, philanthropist, and sex offender. In 2005, Epstein became the subject of an undercover sex trafficking investigation by Palm Beach, Florida police and the FBI. Dozens of underage women were trafficked by Epstein to perform sexual acts on him as well as his friends.
8. Despite the gravity of his offenses, the Department of Justice allowed Epstein to plead guilty to a single count of soliciting prostitution from a minor under Florida state law, and serve only 13 months in prison. In addition, prosecutors agreed not to bring charges against Epstein's alleged co-conspirators.
9. Mr. Epstein enjoyed close ties to numerous prominent political figures, including former President Bill Clinton and Prince Andrew of the British Royal Family, leading many to speculate whether he received preferential treatment from authorities. *See* Goodnough, Abby, "Questions of Preferential Treatment Are Raised in Florida Sex Case," *The New York Times*, Sep. 3, 2006. (Exhibit A)

#### **FOIA Request and Constructive Denial**

10. On April 20, 2017 James Robertson, a Senior Editor for *The National Enquirer* and sister-publication Radar Online, submitted a FOIA request to the FBI for all documents relating to

the investigation and prosecution of Epstein (the “Request”). (Exhibit B)

11. Robertson requested expedited processing because Epstein’s crimes are the subject of widespread and exceptional media interest, and raise questions about the government's integrity, which affects public confidence; specifically, whether Mr. Epstein received preferential treatment from authorities due to his wealth, connections, and political leverage.
12. Mr. Epstein has no privacy interest due to his public prosecution and conviction, and even if he did, the public interest in determining whether the FBI adequately addressed his crimes outweighs his de minimus privacy interest.
13. Mr. Robertson received no response to his request from the FBI. By failing to provide - or formally deny - documents within twenty working days, the FBI has constructively denied the request under 5 U.S. Code § 552(a)(6)(A)(ii).

#### **CAUSE OF ACTION**

##### **Violation of the Freedom of Information Act for Wrongful Withholding of Agency Records**

14. Plaintiffs repeat and reallege paragraphs 1-13.
15. Defendant FBI has wrongfully withheld agency records requested by Plaintiffs.
16. Plaintiffs have exhausted all administrative remedies.

#### **REQUESTED RELIEF**

WHEREFORE, Plaintiffs request this Court:

- (A) Order defendant to provide access to the requested documents in their entirety;
- (B) Expedite this proceeding as provided for in 28 U.S.C. § 1657;
- (C) Award plaintiff costs and reasonable attorney fees in this action, as provided in 5 U.S.C. § 552(a)(4)(E); and
- (D) Grant such other and further relief as may deem just and proper.

Dated: August 17, 2017

By:

A handwritten signature in black ink that reads "Dan Novack". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

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